

#3

PATENT  
2345/87

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : ASSMUS et al.  
 International Application No. : EP98/03086  
 International Filing Date : 26 May 1998  
 U.S. Serial No. : 09/355,149  
 For : DEVICE AND METHOD FOR RECEIVING  
 DATA  
 Assistant Commissioner  
 for Patents  
 Box PCT  
 Washington, D.C. 20231  
 Attention: DO/EO/US

**RESPONSE TO MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

S I R :

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (mailed September 8, 1999), Applicant submits herewith a fully executed Declaration in order to complete the filing requirements for the U.S. national phase of the above-identified PCT application. The application filed in the Patent Office is the application which the inventor executed by signing the Declaration and Power of Attorney. A copy of the Notification of Missing Requirements is also enclosed.

Applicant respectfully petitions for a five-month extension of time to respond to the Notification of Missing Requirements mailed September 8, 1999, for which a one-month period for response was set. The five-month extended period expires on March 8, 2000.

FEE VALUE	
ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
11	106.00
FEE CODE	VALUE
154	130.00
128	1850.00

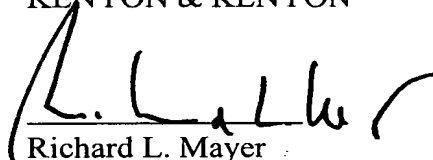


The Office is authorized to charge the \$130.00 fee to cover the surcharge for late filing of the Declaration to Deposit Account No. 11-0600.

Please charge the extension fee of \$1,850.00, and any additional fees that may be required by this paper, to Deposit Account No. 11-0600. A duplicate of this Request is enclosed.

Respectfully submitted,

KENYON & KENYON

A handwritten signature in dark ink, appearing to read 'R. L. Mayer', is written over a horizontal line.

Richard L. Mayer

Reg. No. 22,490

One Broadway

New York, NY 10004

Tel: (212) 425-7200

Fax: (212) 425-5288

Date: *March 7*, 2000



09/355149



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/355,149

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 87

KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

5071

INTERNATIONAL APPLICATION NO.

PCT/EP/95/03086

I.A. FILING DATE

05/26/98

PRIORITY DATE

05/06/97

09/08/99

DATE MAILED:

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

☒ a Designated Office (37 CFR 1.494),  
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 22 July 1999 and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☐ Copy of the International Search Report ☐ and copies of the references cited therein.

☒ Other: Petition to Revive

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)-305-3752

SEP 13 5 21 PM '99  
RECEIVED  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK, N.Y.



EXPRESS MAIL CERTIFICATE

"EXPRESS MAIL" MAILING LABEL NUMBER

EL 234 411 399 US

DATE OF DEPOSIT

March 7, 2000

TYPE OF DOCUMENT

Response to Missing Rea.

SERIAL NO.

09/355, A9

FILING DATE

March 7, 2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

BORIS POLANCO

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)



(SIGNATURE OF PERSON MAILING PAPER OR FEE)